

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION
SWITCH LITIGATION

This document Relates to All Actions

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**LEWIS “MIKE” EIDSON’S APPLICATION FOR POSITION
ON THE PLAINTIFFS’ EXECUTIVE COMMITTEE**

Lewis “Mike” S. Eidson of the law firm Colson Hicks Eidson, P.A. in Coral Gables, Florida submits this Application for membership on the Plaintiffs’ Executive Committee pursuant to the Court’s Order No. 5 [Doc. 70]. Mr. Eidson requests the opportunity to address the Court briefly in support of this Application at the Initial Conference on August 11, 2014.

INTRODUCTION

Mike Eidson has practiced in the area of products liability law – and particularly automotive products liability – for nearly his entire 35-year legal career. He has been referred to as a “great products defect lawyer” and “[l]ong considered one of the innovators in the field of product liability law.”¹ Mr. Eidson serves on the Plaintiffs’ Liaison Committee for Personal Injury/Wrongful Death Cases for the Toyota Motor Corp. Unintended Acceleration MDL in California – the most analogous MDL to the present case – and served as Co-Lead and later Lead Counsel in the Bridgestone/Firestone Tires Product Liability Litigation MDL in Indiana – one of the more significant automotive products liability MDL’s in history. He has been involved in dozens of individual automotive products liability cases over his career, involving virtually every major defect and every major safety reform, beginning with the Ford Pinto fuel tank through the

¹ CHAMBERS & PARTNERS: USA (2014 ed.).

development of shoulder safety belts and air bags up to current issues of stability control systems and sudden unintended acceleration. Mr. Eidson is a past President of the American Association for Justice (formerly known as ATLA), the world's largest trial lawyer bar, and has worked collaboratively in the past with the excellent Temporary Lead Counsel in this MDL and with most of the leading firms who have filed actions that are included in this MDL.

Mr. Eidson's 19-lawyer firm, Colson Hicks Eidson, was founded in 1967 and is located in Coral Gables, Florida. It "is considered among the top trial firms in the United States."² Colson Hicks Eidson currently has attorneys serving in the Plaintiffs' leadership structure in some of the most significant MDL litigation of the past several years, including the Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico MDL (the BP Oil Spill) and the Chinese-Manufactured Drywall Products MDL, and has had its attorneys serve as Lead and Co-Lead Counsel in major consumer, financial and product defect class actions and as federal court-appointed receivers in complex financial fraud cases brought by federal agencies. The firm has a deep bench of talented and experienced litigators and has the resources to make the financial commitments that this MDL will undoubtedly require.

APPLICATION

1. Knowledge and Experience in Prosecuting Complex Litigation, Including MDL's and Class Actions.

The most directly relevant experience that Mike Eidson has is (1) his service as a member of the Plaintiffs' Liaison Committee for Personal Injury/Wrongful Death Cases in the Toyota Motor Corp. Unintended Acceleration MDL being handled by Judge James V. Selna in the Central District of California; and (2) his service as Co-Lead Counsel (from 2000-2004) and

² CHAMBERS & PARTNERS: USA (2014 ed.).

Lead Counsel (from 2004-2008) in the Bridgestone/Firestone Tires Products Liability Litigation MDL, which was handled by Judge Sarah E. Barker in the Southern District of Indiana.

Mr. Eidson and Colson Hicks Eidson have also been involved as lead or co-lead counsel or members of the Plaintiffs' leadership structure in a wide variety of other complex class actions, MDL's and mass torts, that demonstrate their breadth and depth of experience. Here are some significant examples: (1) the BP Oil Spill MDL in Louisiana (in which a Colson Hicks Eidson attorney serves on the Plaintiffs' Steering Committee); (2) the Chinese-Manufactured Drywall Products MDL in Louisiana (in which a Colson Hicks Eidson attorney serves on the Plaintiffs' Steering Committee); (3) a class action against Nissan Motor Corp. for design defects in its tires and suspension system in the Nissan 350Z; (4) an ERISA class action against the U.S. Sugar Corp. on behalf of thousands of participants in its ESOP; (5) a class action against SCI Funeral Services for its mistreatment of human remains in its cemeteries; (6) service by one of the firm's attorneys as the federal court-appointed Receiver in one of the largest investor frauds in Florida history (*SEC v. Mutual Benefits Corp.*); and (7) representation of a class of defrauded investors in one of the largest Ponzi schemes in Florida history (*Premium Sales*).

2 & 3. Willingness and Ability to Commit to a Time-Consuming Process; Willingness and Ability to Work Cooperatively With Others.

Mr. Eidson has a demonstrated ability to both serve as a leader of lawyers and work cooperatively with them. Two things bear special emphasis. First, from 2000 to 2004, he served as Co-Lead Counsel (and subsequently from 2004-2008 as Lead Counsel) of the personal injury track in Bridgestone/Firestone Tires MDL before Judge Sarah Evans Barker in the Southern District of Indiana. That MDL involved product liability claims against Firestone, a subsidiary of Bridgestone, and Ford, arising out of tires de-treading at highway speeds causing Ford Explorer vehicles to go out of control. Mr. Eidson's role was both substantive (taking depositions and

handling regular hearings before the Court) and supervisory (coordinating and assigning substantive work to a number of experienced plaintiffs' counsel involved in the cases). Second, Mr. Eidson was elected and served as President of the Association of Trial Lawyers of America (now the American Association for Justice) from 2006-2007. As President, he presided over a membership of over 50,000 and many dozens of litigation groups and committees and administered an annual budget in excess of \$30 million.

4. Access to Resources to Prosecute the Litigation in a Timely Manner.

In a case of this magnitude, the members of the Executive Committee will need to have the ability to contribute both substantial human resources and substantial monetary resources to be part of a successful team effort. The best evidence of the Colson Hicks Eidson firm's ability to do so is its participation in several of the most intensive MDL's in existence over the past several years, including having members appointed to the Plaintiffs' leadership structures in the BP Oil Spill, Chinese-Manufactured Drywall and Toyota Unintended Acceleration MDL's. In each of these cases, the firm was expected to – and did – contribute substantially in attorney time and in financial contributions for litigation costs. The firm's role in these cases demonstrates its ability to provide the same sort of resources for this MDL.

5. Work Counsel Has Done in Identifying, Investigating, or Prosecuting Potential Claims in the Action.

Mr. Eidson and Colson Hicks Eidson filed an economic loss class action (*Taylor v. General Motors*) in the Southern District of Florida on May 2, 2014, which has been transferred to this Court as part of the MDL. Since that time, in addition to becoming immersed in the facts available through the public reporting, Congressional testimony, NHTS documentations, and internal GM reports, Mr. Eidson has been actively involved in the meetings and discussions that

have taken place among the numerous Plaintiffs' counsel who also have actions pending in the MDL, including lecturing at a seminar devoted to the topic.

6. Counsel's Knowledge of Applicable Law.

Mr. Eidson has extensive experience in automotive product liability cases and considers it to be his signature area of expertise. He is a co-author of the textbook Product Defect: Evidence to Verdict, published in 1996 by the Michie Company. Back in 1975, with his partners, he tried the first Ford Pinto fuel system case in the country. Subsequently, as a result of that litigation and other work, Ford recalled the Ford Pinto and changed its fuel system. Since then, Mr. Eidson has been involved in one way or another – whether as a litigator or as an advocate – in most of the major safety developments in the automotive field. He has been lead counsel in dozens of individual lawsuits against Ford and GM and other manufacturers, involving a wide variety of automotive systems. He has spent thousands of hours over his career learning about automotive engineering, design and safety; learning about the inner workings of domestic auto manufacturers and their dealership networks; working with experts in the field of engineering, design and safety; and deposing witnesses employed by the auto manufacturers. This long history of experience with auto manufacturers would be a valuable asset for the instant case.

7. Geographic Diversity.

Finally, geographic diversity is a worthy goal in the formation of the Plaintiffs' Executive Committee, both for representativeness and knowledge of the substantive law that may come into play. The Committee should have a member from Florida, which is currently the 4th largest state in the U.S. (and soon to surpass New York for the 3rd position) and likely ranks similarly for the number of affected GM vehicles in the State.

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Respectfully submitted,

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